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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/817,438

10/02/1997

GUY NATHAN

871-36

8158

23117

7590

07/16/2004

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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2611

34

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

08/817,438

Applicant(s)

NATHAN ET AL.

Examiner

Reuben M. Brown

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 27 & 29 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 27 & 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Theurer, (U.S. Pat # 4,008,369).

Considering claim 27, the claimed system for selectively distributing audiovisual items on a coaxial cable network, including a plurality of channels, comprising a jukebox device storing a plurality of the audiovisual items, wherein the jukebox device communicates with the cable network via a dedicated channel of the plurality of channels, reads on the combination of the control & monitoring station 21 and RF headend equipment 15, within the central station 1,

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which operates to provide RF TV signals over a coaxial cable network 4, see Theurer, col. 4, lines 44-54. Theurer discloses that a subscriber may select a program or premium channel, (Abstract; col. 1, lines 60-65 & col. 2, lines 3-9), such that any premium channel reads on the claimed subject matter, 'communicates with the cable network via a dedicated channel of the plurality of channels', since a premium channel is a dedicated channel, also see col. 16, lines 65-67 thru vol. 17, lines 1-3.

As for the further claimed feature of jukebox device being connected to a telephone switching system for receiving selection information for selecting one of the audiovisual items, such that the telephone switching system comprises a telephone exchange of the PABX type, Theurer discloses the operation of a PABX exchange equipment 3 that includes switching equipment 25, which receives a subscriber's selection information, see col. 6, lines 1-35 & Fig. 1.

The claimed plurality of TV sets for receiving the selected audiovisual items, each one associated with a telephone is met by the TV sets 6 and telephones 7 located in a plurality of guest rooms 11, col. 1, lines 49-55; col. 4, lines 42-53; col. 5, lines 14-42 & Fig. 1.

The additional features of the telephone switching system that receives and recognizes a specific call number dialed by any one of the telephone sets and determines ID information identifying the dialing telephone set is broad enough to read on the subscriber entering a predetermined access number, followed by the digits of the subscriber's guest room and a special

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verification code. These digits are used to identify each subscriber individually by the switching system, see col. 2, lines 56-64; col. 6, lines 8-30 & col. 10, lines 14-28, as well as for calling the RF headend equipment 12, via the control & monitoring station 21.

Upon receiving the specific call number, the telephone switching system calls the jukebox and transmits the subscriber (i.e., calling) ID information, such that upon reception of the ID information, the jukebox transmits the requested audiovisual information to the associated TV set, (col. 6, lines 32-46 col. 10, lines 14-67; col. 15, lines 1-10; col. 16, lines 1-10; col. 16, lines 60-67 thru col. 17, lines 1-4.

Considering claim 29, the claimed method for selectively distributing audiovisual items on a coaxial cable network comprises steps that correspond with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 28 & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theurer.

Considering claims 28 & 30, Theurer teaches that the control & monitoring station 21 provides billing information at least to a printer 22, col. 14, lines 46-65. Theurer does not explicitly discuss that the billing information is transmitted to a billing device via the switching system. Official Notice is taken that at the time the invention was made, it was known in the art to transmit billing information from a service entity to a billing device. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Theurer with the technique of transmitting billing information to a billing device, such as a central billing device, at least for the desirable advantage of utilizing a specialized or dedicated billing system that services a plurality of service entities.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Lewis Teaches a system that provides interactive selection/transmission and reception of video programming, at least in a local distribution network, such as a hotel or apartment, see col. 3, lines 18-30; col. 4, lines 49-65 & col. 5, lines 50-60.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

(703) 746-6861 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9306 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
VIVEK SRIVASTAVA  
PRIMARY EXAMINER